

**Licensing Sub Committee D - 20 April 2023**

Minutes of the meeting of the Licensing Sub Committee D held at Committee Room 4, Town Hall, Upper Street, N1 2UD on 20 April 2023 at 6.30 pm.

**Present:**      **Councillors:**      Shaikh (Vice-Chair, in the Chair), Croft and Staff

**Councillor Shaikh in the Chair**

**35      INTRODUCTIONS AND PROCEDURE (Item A1)**

Councillor Shaikh welcomed everyone to the meeting and officers and members introduced themselves. The procedure for the conduct of the meeting was outlined.

**36      APOLOGIES FOR ABSENCE (Item A2)**

Apologies for absence were received from Councillor Weekes.

**37      DECLARATIONS OF SUBSTITUTE MEMBERS (Item A3)**

Councillor Staff substituted for Councillor Weekes.

**38      DECLARATIONS OF INTEREST (Item A4)**

There were no declarations of interest.

**39      ORDER OF BUSINESS (Item A5)**

The order of business would be as per the agenda.

**40      MINUTES OF PREVIOUS MEETING (Item A6)**

**RESOLVED**

That the minutes of the meeting held on the 2<sup>nd</sup> February 2023 be confirmed as a correct record and the Chair be authorised to sign them.

**41      M'NUCHAH BAR, 392 CAMDEN ROAD, N7 0SJ - PREMISES LICENCE VARIATION (Item B1)**

The Chair of the Committee opened by asking the licensing officer for any additional information that had become available since the publication of the agenda. In response, the Licensing Officer informed the Sub Committee that there had been a slight typo on the opening time on the variation application in the agenda pack and corrected it to 10am each day. The Licensing Officer also reported that the applicant had now agreed to all the police conditions, but the representation had not been withdrawn.

When asked by the Committee to outline their representation, the Police informed members that they had been informed by the applicant's solicitor that the applicant did now accept the police conditions. However, the reason the responsible authority for policing hadn't withdrawn their objection was because they hadn't yet seen a hire agreement, to which they expressed hope that it was just an oversight. The Police also stated that while the applicant

## Licensing Sub Committee D - 20 April 2023

had completed box three on variation conditions, outlining activities, the responsible authority was still not able to understand specifically what the activities would entail. The responsible authority stated that the Sub Committee should only approve the licence if they were happy with the proposed use of the premises, in line with the conditions.

The Police went on to say that the engagement to date from the applicant had not been to the standard that they would expect and was not certain that the conditions proposed were proportionate or would best reflect the licensing objectives but was willing to listen to further clarifications / evidence.

When asked by the Committee to outline their representation, the Licensing Authority stated their objection remained as it stood in the published agenda pack. The main concern centred on the submitted fire risk assessment, which showed several deficiencies and added that the Licensing Authority had not seen anything to date to show that it had been rectified. There was also concern regarding electrical wiring and gas safety issues. These concerns were amplified by the premises being particularly large with residential units above, and that it would pose a danger to residents as well as customers. The Licensing Authority stated they too had no feedback from the applicants until today's hearing and that the matter had been going on for some time, with the case itself, adjourned repeatedly.

The Chair of the Committee asked the Licensing Authority whether Building Control had been involved with the matter, to which the Licensing Authority stated that Building Control had not heard anything in respect of the application, but that the applicant would likely need a building inspector to approve any remedial, structural works and no evidence had been provided to date that could show this had been done.

When asked by the Sub-Committee to present their case, the Legal Representative for the applicant stated that the proposed conditions from the police had been accepted highlighted that the applicant had tabled two restrictive changes as part of the application – to remove the sale of alcohol off-premises and to reduce hours it can be sold. Permissive changes sought, included increasing the capacity to 190, to allow films to be shown, and live and recorded music. The reason given for requesting the license for recorded music on Sunday to commence from 9am was to enable churches who wish to use the event space to conduct sound checks before the main service.

The Legal Representative gave an overview of the business itself, outlining that since 2019 there had been renovations of the former bed and breakfast to where the premises could now operate as a part hotel, events space, creative lounge, and podcast studio. The Legal Representative stated that the applicant had a clear vision for the premises where businesses, charities and creatives would all be able to make use of the space. There was scope for private events, but the focus was not on being an alcohol led business.

The Legal Representative stated that they were of the knowledge that in the last month, the wiring had been tested by UK Power Networks and by the electrical provider. Gas and fire safety concerns had also been addressed. Regarding the building regulations, the Legal Representative stated that there had been no structural changes to walls / low bearing walls and added that there had been no formal representations by Building Control.

The Legal Representative acknowledged that engagement could be improved. They also cited Islington's licensing policy in stating that the premises' main focus meets the objectives of adding cultural value to the local area.

Regarding the resident representation from November regarding potential noise and drunkenness, the Legal Representative stated that it was understood that this was just a concern that it might happen, not that it was currently happening, and hoped that the

## Licensing Sub Committee D - 20 April 2023

proposal to stop the sale off premises and reduce the hours in which it was sold, was enough to allay the resident's concerns.

When invited by the Legal Representative to add to their case to the Sub-Committee, the applicant informed members that the premises name, M'Nuchah, was a Hebrew word for rest. The applicant also stated that they had personally did a lot of work in the community and at Gracepoint. The applicant added that M'Nuchah was a place focused on community, which was completely different to former owners and the aim was to have a place that added value to the local area.

Councillor Staff thanked the applicant for their commitment to the area, stating that the proposed use appeared to be positive, but wanted clarification that if the Aparthotel was on the upper floors and the events space was on the lower floors, what would be the measures to mitigate noise transference between the spaces. The applicant responded, noting that measures were in place, that alcohol was not taken upstairs, and the two spaces were completely separated.

In response to further questions from the Sub-Committee, the applicant confirmed that there would be a designated premises supervisor on-site; the responsibility held by the Head of Operations will transferring over to himself and the Facilities Manager and both were in the process of obtaining the necessary certification. There would be two people on site Monday to Sunday and an Event Supervisor who would be on duty, 24 hours a day. Private security would also be present for events.

Councillor Croft asked the applicant what kind of assurances they could provide that they would engage with responsible authorities. The applicant responded stating that they had regular meetings with New Scotland Yard, and that the space would be open to young people who may otherwise be on the streets. The applicant also outlined that they had done a lot of community engagement more broadly.

In response to questions from the Chair of the Sub-Committee regarding what events would take place at the venue, the applicant informed members that this would include baby showers, business events, birthday parties, conferences, and weddings.

The applicant noted that the business attracted a higher standard of patronage and background checks were conducted on those hosting. The applicant cited an example of a church with a congregation of fifteen that had recently begun at the venue and another church starting in June. The alcohol licence would only be needed for the events (birthday parties, weddings).

When asked what arrangements were in place for the current events where alcohol was sold, the applicant responded stating that they do not sell alcohol. Supervision and SIA licenced security would be provided for every event, and this would include female security officers too, should female patrons need to be searched.

The Chair of the Sub-Committee noted that the application had come to committee on several occasions and that they needed tangible evidence regarding the safety aspects of the building. The point was made to the applicant that should any issues arise regarding the operation of the premises, questions would be asked of the authority that granted the licence, and that the Sub-Committee needed to be convinced that they could trust that the applicant would engage with responsible authorities at any given time. The applicant responded stating that email threads existed showing co-operation but acknowledged more could be done. The legal representative requested a condition regarding building regulation.

## Licensing Sub Committee D - 20 April 2023

The Licensing Officer clarified that the case had not always adjourned because of procedure, the last time was due to the train strike.

In summing up, the Police stated that they appreciated the engagement the applicant had with Scotland Yard and in the London Borough of Croydon, and was grateful that the conditions had been accepted, but after listening to representations stayed with the initial representation concerning the lack of engagement. The Police stated that they were not against the variation, but that it needed to be right for what the premises was, and the applicant needed to be accountable for the events that happened there.

In summing up, the Licensing Authority, noted that the Sub-Committee could put on a condition stating that the licence cannot be used until assurances had been provided.

The applicant told the Sub-Committee there was a designated area for smokers at the fence to the left-hand side of the premises on the side of Hillmarton Road and that smoke would not travel to neighbours. In response to concerns that the bar / kitchen equipment hadn't been mapped out on the new plan, the applicant stated that was currently just an open space, mainly for aesthetics.

In summing up, the Legal Representative stated that they hoped the Sub-Committee could see the passion on the display potential addition to the cultural offer in Islington, and that they hoped M'Nuchah was the type of premises the Council would like to see more of.

### **RESOLVED**

- 1) That the application for the variation of a premises licence, in respect of M'nuchah Bar, 392 Camden Road, N7 0SJ, be granted to allow:-
  - a. To allow the sale of alcohol on the premises only; Monday to Saturday from 5pm to 11:30pm, and Sunday from 5pm to 11pm
  - b. To allow the playing of live music and films; Monday to Saturday from 11am to 11:30pm, and Sunday from 12pm to 11:30pm
  - c. To allow the playing of recorded music; Monday to Saturday from 11am to 11:30pm, and Sunday from 9am to 11:30pm
  - d. To allow late night refreshment from Monday to Saturday between 11pm and 11:30pm.
  - e. Opening hours from 10am to 11:30pm Monday to Sunday
- 2) That conditions outlined in appendix 3 and detailed on page 67 to 70 of the agenda, with the exception of Condition 5, shall be applied to the licence, with the additional conditions as follows: The premises shall not be used for licensable activities until the applicant has submitted to the Licensing Authority a fire risk assessment and safety certificates relating to electricity, gas and building regulations, which have been signed off in writing.be applied to the licence.

### **REASONS FOR DECISION**

The Sub-Committee listened to all the evidence and submissions and read all the material. The Sub-Committee reached the decision having given consideration to the Licensing Act 2003, as amended, and its regulations, the national guidance and the Council's Licensing Policy.

Two local resident objections had been received, but no resident attended. There had been three representations made by the responsible authorities, but Trading Standards and the Noise team had withdrawn their representations on agreement of conditions. Conditions had been agreed with the police, but the police representation remained because of concerns at the lack of engagement and uncertainty as to how the premises would operate

with those conditions. The Licensing Authority made a representation raising concerns about public safety.

The Sub-Committee heard evidence that the event space on the ground floor was completely separate from the Aparthotel, and alcohol would not be taken up to the Aparthotel. The ground floor would be used for events such as weddings, baby showers, birthday parties and conferences, however other than events, the applicant envisaged community activities including a church on Sundays and hoped it would be a hub for community. The applicant emphasised that he had worked with Gracepoint, charities and Pentonville Prison, he was also regularly meeting with New Scotland Yard concerning knife crime and he hoped to hold community meetings and take young people off the streets.

The applicant said that he needed the premises licence only for events. He was undertaking training as a DPS and obtaining a personal licence as was the facilities manager. There would be two such people in attendance Monday to Sunday and the events manager would be there 24 hours. There would be security at all times. He said that he had been in correspondence by email with responsible authorities for some time before the hearing, although the responsible authorities could not confirm this. The representative said that he was committed to dialogue with responsible authorities.

The Sub-Committee concluded that pursuant to Licensing Policy 8, the applicant had in fact implemented advice given by responsible authorities.

The Sub-Committee was concerned that there should be compliance with Licensing Policy 14 on risk assessments. This is a matter of public safety and therefore added an additional condition requiring fire risk assessments and safety certificates to be provided.

In addition, the Sub-Committee took into account the nature of some of the community groups and noted that conditions dealt with seizure and storage of drugs and the need to prevent the entry of drugs into the premises.

The Sub-Committee was satisfied that granting the variation to the premises licence with the additional condition, and on the hours granted, was proportionate and appropriate to the promotion of the licensing objectives and in the public interest.

42

**NOODLE BRAT, 53A CLERKENWELL CLOSE, EC1R 0EA - NEW PREMISES LICENCE (Item B2)**

The Chair of the Sub-Committee opened by asking the licensing officer for any additional information that had become available since the publication of the agenda. In response, the Licensing Officer informed the Sub-Committee that additional material had been forwarded to the residents that members of the Sub-Committee also had sight of. In respect of representations, the Licensing Officer told the Sub-Committee that there was one on page 100 which didn't disclose address so should be disregarded. Pg 113 withdrawn objection.

When asked by the Sub-Committee to outline their objection, the interested party - a resident who lived above the premises – responded, stating that the building was Grade II listed and dated from 1793, it was old, small, and fragile, and they were afraid if there were more activities within the building, its structural integrity might be compromised. The resident questioned the proposal that had been communicated to them that heat detection was to be integrated into the building alarm system, because it was only Noodle Brat that had the building alarm. The resident also wanted to know when the inspection referred to in the application / reports took place, as well as the fire mitigations. The resident stated that the answers they received from the applicant was not satisfactory.

## Licensing Sub Committee D - 20 April 2023

In response, the Chair of the Committee advised the resident that these questions were mostly planning regulations were mostly concerning planning regulations and asked the resident to outline any queries in relation to the licence itself and how it would affect them. The resident responded in saying that Noodle Brat currently operated on weekdays and that they were afraid that if granted an alcohol licence, the premises would be sold onto another operator. The resident also stated that they didn't believe Noodle Brat to take the rules seriously in relation to table licences. The Licensing Officer intervened to state that the resident's detailed objections could be found at Page 107 of the report.

When asked by the Sub-Committee to present their case, the Legal Representative for the applicant stated that the licence would only be for the building itself, and only for the on sale of alcohol consumption. The Legal Representative stated that the applicant had tried to engage with the residents who had made representations, noting that two had since withdrawn – there was difficulty in contacting some due to the anonymity of some representations. The Legal Representative stated that it was appreciated that the premises was located within a cumulative impact zone and noted that the premises would be fully closed by 11pm. Conditions with the police and licensing authority had been agreed. There would be no vertical drinking. There were two additional conditions put forward; one was to have a notice for patrons to be respectful of residents and the other was to sweep the curtilage at the end of evening.

When invited by the Legal Representative to put forward his case, the applicant told the Sub-Committee that he managed an investment business property in Clerkenwell that had been trading for twenty years. They had identified a local operator called Katsuma and approached them regarding a lease on the property. After these discussions, the applicant decided to partner in the business, in which the aim was to create a high-quality Japanese restaurant that catered to a well-heeled audience. The applicant stated that currently, the premises enjoyed lots of repeat customers and has been successful since it opened.

Responding to the resident, the applicant stated that the Fire Risk Assessment happened once a month, and that there was a fully operational smoke detection system in place. The applicant stated that there continued to be discussions regarding ventilation in the property and open dialogue with planners about how the smell can be reduced through carbon mechanisms.

The Legal Representative stated that restricting hours to 9pm would have an impact on the delivery of service as there were currently two sittings in the evening which would need to be reorganised.

The Legal Representative noted that the restaurant begun operation in August 2022, but without the sale of alcohol. However, customers begun bringing their own into the premises, and that this application for a licence to sell alcohol was a way of the applicant being able to regulate the consumption of alcohol on the premises and enforce Challenge 25.

The applicant stated that regarding opening hours, going forward it would continue to be weekday-focused because their clientele was workers from businesses in the local area, who would come in at lunch and/or after work. It was reiterated that there were no plans to consume alcohol on the pavement, and vertical drinking had been removed on request from the Police – this had originally been planned for patrons who were waiting for a table.

In summing up, the resident noted that Noodle Brat currently opened and closed before and after what it was supposed to, that the business was noisy and that if the opening hours were extended it would negatively affect themselves and neighbours. The resident offered evidence of tables being put out before 10am, which the resident stated demonstrated that

## Licensing Sub Committee D - 20 April 2023

the operator wouldn't adhere to rules. The resident stated that there had been no engagement from the landlord.

In summing up, the Legal Representative stated that the application was to provide some protection and regulation regarding alcohol use. It was agreed with the environmental health officer that noise should not emanate from the premises and highlighted the two additional conditions being offered tonight. The applicant was said to have understood the sensitivity of the area and wanted this restaurant to have buy in from residents. It was also anticipated that this branch could be the first of many.

### **RESOLVED**

- 1) That the application for a new premises licence, in respect of Noodle Brat, 53a Clerkenwell Close, London, EC1R 0EA, be granted to allow:-
  - a) The on sales of alcohol from 11am until 10pm each day.
- 2) That conditions outlined in appendix 3 and detailed on page 116 to 119 of the agenda be applied to the licence: with the additional condition as follows: the restaurant will sweep the curtilage of the premises daily at the close of business.

### **REASONS FOR DECISION**

Conditions had been agreed with the Police and the Noise Team and there were no representations from responsible authorities. Eight residents had objected, but only one resident attended. He lived above the premises and complained about cooking smells, the fragility of the building, and noise.

The Sub-Committee listened to all the evidence and submissions and read all the material. The Sub-Committee reached the decision having given consideration to the Licensing Act 2003, as amended, and its regulations, the national guidance and the Council's Licensing Policy.

The Sub-Committee took into consideration Licensing Policies 2 & 3. The premises fall within the Clerkenwell cumulative impact area. Licensing 3.20 refers to Clerkenwell's diverse and vibrant evening economy and the need to ensure that licensed premises were well-managed and any negative impacts in terms of crime, disorder, nuisance, and anti-social behaviour were minimised. Licensing policy 3 creates a rebuttable presumption that applications for the grant or variation of premises licences which are likely to add to the existing cumulative impact will normally be refused following the receipt of representations, unless the applicant can demonstrate in the operating schedule that there will be no negative cumulative impact on one or more of the licensing objectives.

The Sub-Committee heard evidence that alcohol would be served with food. This was a restaurant specialising in high-quality food, such as buns, noodles, and ramen, and at the present time, customers were bringing their own alcohol. The second sitting in the restaurant took place at about 8.30pm. There would be no vertical drinking, as the applicant had agreed a condition with the Police that there would be no drinking at the bar prior customers to being shown to their tables.

The Sub-Committee noted that there were conditions prohibiting the emanation noise and vibrations from the premises and that a notice advising customers to leave quietly and consider local residents was also required. The applicant offered a further condition that the curtilage of the premises would be swept every night.

The application with its' conditions fell within an exception to the cumulative impact policy listed in Licensing Policy 3.25. This application had a comprehensive operating schedule, was not alcohol-led, and supplied alcohol for consumption on the premises and was a fully seated venue. The Sub-Committee was satisfied that there would be no negative cumulative impact on any of the licensing objectives.

The Sub-Committee concluded that the granting of the licence with the agreed and additional conditions would promote the licensing objectives. The Sub-Committee was satisfied that the operating schedule demonstrated high standards of management and that the proposed use, meant that the premises would not add to the cumulative impact.

The Sub-Committee was satisfied that granting the premises licence was proportionate and appropriate to the promotion of the licensing objectives.

**43**      **D&D RESTAURANT, 347 HOLLOWAY ROAD - NEW PREMISES LICENCE**  
**(Item B3)**

The Chair of the Sub-Committee opened by asking the licensing officer for any additional information that had become available since the publication of the agenda.

In response, the Licensing Officer informed the Sub-Committee that there had been a few representations from residents that were unable to attend this hearing and sent apologies. One of the representations unable to attend requested that the applicant did not play music after 10.30pm because they worked from home. Another representation unable to attend had raised doubts about the intentions of applicant and feared that in the later hours it would be run as a bar, thus causing noise, nuisance and a congregation of intoxicated persons that could obstruct access. That representation also sought to highlight a violent altercation that took place in the vicinity as part of their objection and stated that their flatmate had felt intimidated by the applicant. That representation also highlighted that they believed the applicant had failed to operate within the designated hours and was apprehensive about attending in-person. Conditions had been agreed with the Licensing Authority and Police who both haven't made a representation. No responsible authorities had made a representation. The Licensing Officer acknowledged that there had been a crime in the vicinity, which had a CAD number, and that the applicant stated this was not connected to the premises. The Planning representation was centred on a technicality regarding the flues, but this had been withdrawn. The Licensing Officer stated that the hours required for the licence to be 12midday to 10pm on Saturdays and 12midday to 10.30pm on all other days. The premises would close at 11pm each day. The Licensing Officer also acknowledged that there had previously been noise complaints among other issues, but a lot of this was received during or relating to the COVID-19 pandemic. The Noise team were happy with the hours and conditions proposed.

When asked by the Sub-Committee to outline their objection, the only interested party in attendance, a resident who lived in the flat above the premises since September 2021, told members that an incident had occurred at this time last year, in which significant noise emanated upstairs from the premises. The resident stated that there were three builders, conducting works in the late hours of the night and several noise complaints had been made, ranging in the double digits. The resident stated that the building works happened exclusively and represented a statutory nuisance. The resident stated that the noise had a negative impact on their wellbeing and ability to work from home. The resident also outlined instances of private parties in the premises that occurred throughout the night, but acknowledged that the applicant had apologised, albeit taking half an hour to clear the premises. The resident also highlighted that there was no insulation within the premises and highlighted an additional incident in March 2023. The resident alleged that during that incident a lot of late-night building works had taken place and that when they challenged the



## Licensing Sub Committee D - 20 April 2023

applicant, it resulted in a verbal altercation with a threat of violence. The resident told members that the nature of communication with applicants was not a miscommunication, and that the nature of communication had been aggressive. The resident stated that they opposed the granting of the licence.

The Licensing Officer clarified that the most recent complaint about the premises was in relation to building works.

The applicants stated that this was their fifth application and that they had been refused many times previously. The applicants sought to address the planning issues first, stressing that they had applied for a change of use on the premises, when many establishments circumvented this. The applicants stated that they did take into consideration noise issues, which was why they had reduced the area and affirmed that the main area was sound insulated.

The applicants stated that all tenants had their contact details, and that the interested party in attendance was the most recent occupant. The applicant corroborated the incident described by the resident and stated that at the time they had provided the resident with assurances that the noise downstairs would be dealt with. The applicant refuted the allegation of aggressiveness, stating that they had apologised for disturbances. The applicant stated that they had accepted all conditions and would communicate with all parties. The applicant stated the premises would become a restaurant.

The Sub-Committee pressed the applicants on how well they understood the licensing objectives, who the designated premises supervisor would be and how many trained officers. The applicant responded that this responsibility would fall to him and one other designated member of staff. The applicant also stated that they were putting signs up around the premises requesting patrons respect neighbours.

When asked by the Sub-Committee to clarify the sound insulation of the premises, the applicants stated that the extension had no insulation. The application was for the main building which passed the test and was insulated. The applicant stated that the noise was building works.

The Chair of the Sub-Committee noted that they would have liked to have seen the applicant build a relationship with neighbours and hoped this could happen going forward

The applicant stated that this was not their first business, and that they were well-versed in ID verification. The applicant stated that they would be on the premises and was a well-known figure in the community.

In summing up, the resident stated that the relationship between the residents and the applicant had broken down and that the applicant had not made the effort to make amends. The resident stated that other residents were worried about the guests and applicants and that on the day of this hearing there had been building works in the premises. The resident reiterated that noise pollution from the premises emanates throughout the property.

In summing up, the applicant apologised for any perceived aggressiveness or miscommunication, and stressed their commitment to follow the conditions imposed. The applicant also invited all residents to communicate and engage with them

### **RESOLVED**

- 1) That the Sub-Committee has decided to adjourn the application for a new premises licence in respect of D&D Restaurant & Lounge, 347 Holloway Road, Islington,

## Licensing Sub Committee D - 20 April 2023

London, N7 0RN, under Regulation 12 (1) (a) of The Licensing Act 2003 (Hearings) Regulations 2005, so that they can produce evidence of effective sound proofing. This will be adjourned to the meeting of 8<sup>th</sup> June 2023.

### 44 **TRIPLE 777 COFFEE BAR, 143 HOLLOWAY ROAD, N7 8LX - NEW PREMISES LICENCE (Item B4)**

The Chair of the Sub-Committee opened by asking the licensing officer for any additional information that had become available since the publication of the agenda. In response, the Licensing Officer informed the Sub-Committee that there was one resident representation querying the agreement of restaurant conditions. The applicant was aware that this was raised as a concern.

When asked by the Sub-Committee to outline their case, the applicant told members that they were new to the area and that their business was focused on serving hot meals. The sale of alcohol will help the business and help to cover expenses with food and energy bills. Currently, the business sells meals, soft drinks, and snacks. The applicant stated that they tried to contact the neighbour but received no response. They wanted to have a good relationship with the neighbour and do whatever they could do to help her.. The applicant stated they agreed to the conditions and were trying to survive as a business.

In response to questions from the Sub-Committee concerning a pavement licence, and patrons drinking alcohol outside, the applicant responded that alcohol would always only be served with food and that it would always be table service. The applicant was agreeable to a minimum spend but wouldn't be sure of what value to set.

It was noted that the premises was previously a café, and the applicant stated that they provided food such as lasagne. The applicant stated that they could adjust pavement seating. Most of the time the business closed early, usually between 9 and 10pm. The additional hours requested for the licence would only be to cover spikes in demand where the business could open for later. The applicant stated that they had few complaints previously.

### **RESOLVED**

1) That the application for a new premises licence, in respect of Triple 777, 143 Holloway Road, London, N7 8LX, be granted to allow:-

The sale by retail of alcohol, on and off supplies, Mondays to Sundays from 10am to 10pm

2) That conditions outlined in appendix 3 and detailed on page 193 to 196 of the agenda be applied to the licence, with the amendment to Condition 17 as follows: Regarding all off sales: alcohol is only to be sold for consumption off the premises where it is purchased as an ancillary to food with a minimum spend of £7 on food

An additional condition shall also apply whereby the tables and chairs on the pavements do not obstruct the entrances and exits to neighbouring properties.

### **REASONS FOR DECISION**

The Sub-Committee listened to all the evidence and submissions and read all the material. The Sub-Committee reached the decision having given consideration to the Licensing Act 2003, as amended, and its regulations, the national guidance and the Council's Licensing Policy.

The Sub-Committee took into consideration Licensing Policies 2 & 3. The premises fall within the Holloway Road and Finsbury Park cumulative impact area. Licensing policy 3 creates a rebuttable presumption that applications for the grant or variation of premises licences which are likely to add to the existing cumulative impact will normally be refused following the receipt of representations, unless the applicant can demonstrate in the operating schedule that there will be no negative cumulative impact on one or more of the licensing objectives. Under Licensing Policy 3.53, the Licensing Authority is committed to working with potential applicants to maintain a well-managed evening economy, meeting resident and business needs whilst minimising any adverse impacts in terms of crime, disorder, nuisance, and anti-social behaviour.

One local resident objection had been received, but the resident did not attend. Conditions had been agreed with the Police and Noise team. There were no representations from responsible authorities.

The Sub-Committee heard evidence that the coffee shop had been open for four months without any complaints being made to the business. The resident complained about deposit of rubbish outside their flats, but this related to a previous business. Food would be provided with alcohol; salads, pies, scallops and noodles and lasagne would be heated in the microwave.

The applicant accepted that from the photographs shown, a chair or table was apparently obstructing the door to the flats and agreed to a condition preventing obstruction.

The application appeared to have a comprehensive operating schedule and was not alcohol-led. With the conditions, slightly reduced hours, given the nature of the business it seemed that there would be no negative cumulative impact on any of the licensing objectives.

The Sub-Committee concluded that the granting of the licence with the agreed conditions would promote the licensing objectives. The Sub-Committee was satisfied that the operating schedule demonstrated high standards of management and that the proposed use, with the extensive conditions agreed, meant that the premises would not add to the cumulative impact.

The Sub-Committee was satisfied that granting the premises licence was proportionate and appropriate to the promotion of the licensing objectives.

**45**      **TETO STUDIO, 6 SHILLINGFORD STREET, N1 2DP - NEW PREMISES LICENCE (Item B5)**

The Chair of the Sub-Committee opened by asking the licensing officer for any additional information that had become available since the publication of the agenda. In response, the Licensing Officer informed the Sub-Committee that there had been no further updates.

When asked by the Sub-Committee to outline their case, the applicant described their business as a hair salon. The reason for the application was that they would like to sell wine. Guests are offered a glass of wine as part of the hairdressing appointment, but this application covers the sale of that bottle to the customer if they would like to take it with them. There are a maximum of two guests in the premises at any one time, which allows greater regulation of the space, behaviour, alcohol consumption and loitering outside the premises. The applicant stated they did not wish to convert to a wine shop or any form of alcohol-led establishment. The off sale of alcohol was just an option, not the primary focus of business.

## Licensing Sub Committee D - 20 April 2023

When asked by the Sub-Committee whether they wanted to expand the offer to events or have more than two guests within the shop at any one time, the applicant responded that they did not.

### **RESOLVED**

- 3) That the application for a new premises licence, in respect of Teto Studio, 6 Shillingford Street, London, N1 2DP, be granted to allow:-
  - b) To allow the sale by retail of alcohol, on & off supplies, Mondays to Sundays from 09:00 until 21:00
- 4) That conditions outlined in appendix 3 and detailed on page 223 to 224 of the agenda be applied to the licence, with the additional condition as follows: the premises licence for the sale of alcohol is dependent on the operation of the premises as a hair salon.

### **REASONS FOR DECISION**

The Sub-Committee listened to all the evidence and submissions and read all the material. The Sub-Committee reached the decision having given consideration to the Licensing Act 2003, as amended, and its regulations, the national guidance and the Council's Licensing Policy.

The Sub-Committee took into consideration Licensing Policies 2 & 3. The premises fall within the Angel and Upper Street cumulative impact area. Licensing policy 3 creates a rebuttable presumption that applications for the grant or variation of premises licences which are likely to add to the existing cumulative impact will normally be refused following the receipt of representations, unless the applicant can demonstrate in the operating schedule that there will be no negative cumulative impact on one or more of the licensing objectives. Licensing Policy 3.31-46, states that the area continues to feature as an alcohol-related crime hotspot. However, Licensing Policy 3.48 provides an exception for premises submitting comprehensive operating schedules which are small premises with a capacity of no more than fifty persons, or premises which are not alcohol-led with appropriate hours.

The Sub-Committee took into consideration Licensing Policy 4. The Council has adopted a special policy relating to cumulative impact in relation to shops and other premises selling alcohol for consumption off the premises. Licensing policy 4 creates a rebuttable presumption that applications for the grant or variation of premises licences which are likely to add to the existing cumulative impact will normally be refused or subject to certain limitations, following the receipt of representations, unless the applicant can demonstrate in the operating schedule that there will be no negative cumulative impact on one or more of the licensing objectives.

One local resident objection had been received, but the resident did not attend. There had been no representations made by the responsible authorities and conditions had been agreed with the Police and the Noise team.

The Sub-Committee heard evidence that this was primarily a hairdressing salon. Each guest took one hour to complete a treatment and there are only two guests on the premises at any given time. Guests could be offered a glass of wine with their treatment. If they liked the wine, they could buy a bottle and take it away with them. There would be no drinking outside and alcohol would be provided to seated guests at a table or bench.

The Sub-Committee concluded that there would be no negative impact on any of the licensing objectives. However, it was concerned to include a condition that the premises licence would be dependent on the use of the premises as a hair salon, in order to avoid any future problems.

## Licensing Sub Committee D - 20 April 2023

The Sub-Committee was satisfied that granting the premises licence was proportionate and appropriate to the promotion of the licensing objectives

The meeting ended at 10.09 pm

**CHAIR**